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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/922,223	08/01/2001	Paul Grudnitski	LLI001	8916

28848 7590 07/17/2003  
TOPE-MCKAY & ASSOCIATES  
23852 PACIFIC COAST HIGHWAY #311  
MALIBU, CA 90265

EXAMINER

SAADAT, CAMERON

ART UNIT	PAPER NUMBER
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3713

DATE MAILED: 07/17/2003

56

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/922,223

Applicant(s)

GRUDNITSKI ET AL.

Examiner

Cameron Saadat

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-46 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-46 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☒ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Oath/Declaration*

1. The declaration filed on 1/14/02 is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02. Furthermore, the defective declaration is directed to an invention entitled "Hybrid RF and Optical Wireless Communication Link and Network Structure Incorporating it therein", which is not in accord with the instant application entitled "Method and System for Interactive Case and Video-based Teacher Training".

### *Claim Rejections - 35 USC § 112*

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-46 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The reference for "teacher-users" is unclear. In addition, the meaning of "teacher-users" is not understood in the written description.

### *Claim Rejections - 35 USC § 103*

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

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6. **Claims 1-8, 10-15, 17-31, 33-38, and 40-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mortimer et al. (USPN 6,091,930; hereinafter Mortimer).**

Regarding claims 1, 2, 10, 17, 24, 25, 33, and 40, Mortimer discloses an interactive, case-based system for video-centric professional development of users, the interactive system comprising: a computer system including a processor for executing programs and a memory for storing programs, with the computer system having at least one display and at least one input element; the computer system further comprising: a media database for storing at least one time-indexed digital video case (Col. 5, lines 13-19; Col. 7, lines 20-26); at least one time-indexed text track with each text track corresponding to a digital video case, and with the time-indexes of the text track corresponding to time-indexes of the digital video case (Col. 9, lines 17-20); the media database further including a time-indexed table of contents for each digital video case (Col. 9, lines 19-34), digital resources relevant to each digital video case, and commentary relevant to each digital video case (Col. 9, lines 9-10); a video assignment database for storing at least one video case exercise and at least one video case user response (Col. 25, lines 15-35); a user database for storing personal user notes (Col. 18, lines 50-59); and a lesson database for storing lessons including a combination of items from the media database, the video assignment database, and the administration database that are organized to create a video-based lesson, and for storing groups of related lessons as courses; and a lesson building program for allowing a teacher-user to combine elements from the media database, the video assignment database, and the administration database to create a case-based video lesson therefrom and to store the lessons within the lesson database (see Fig. 3), the lesson building program further allowing the teacher-user to add elements to, to delete elements from, and to alter elements within the media database, the video assignment database, and the administration database (col. 7, lines 8-9); the lesson building program further allowing the teacher-user to organize lessons and exercises to create courses, each including a plurality of lessons; and a lesson viewer program for allowing a user to view and navigate through the courses and lessons to select a lesson to perform, to navigate through and view the elements of the lesson to perform (see Fig. 6d), and to provide input into the video assignments in the form of responses to exercises and to view, create, and edit entries into a notebook of personal user notes (Col. 18, lines 50-59).

Mortimer discloses all of the claimed subject matter of claims 1, 2, 10, 17, 24, 25, 33, and 40 with the exception of not explicitly disclosing that the administrative database comprises user access permission information.

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However, it is the examiner's position that authorization and permission information is a notoriously well known feature for allowing select users to access remote computer systems and thereby securing and restricting access from unauthorized users, and the time of the invention, it would have been obvious to a person of ordinary skill in the art to modify the administrative database described in Mortimer, to include such a feature.

Regarding claims 3, 11, 18, 26, 34, and 41, Mortimer discloses a server system further includes a web server system for serving lessons to the client computers (Col. 24, line 45).

Regarding claim 4, 12, 19, 27, 35, and 42, Mortimer discloses digital video cases that are stored locally on the client systems (See Fig. 1, ref. 14).

Regarding claim 5, 13, 20, 28, 36, and 43, Mortimer discloses digital video cases that are provided on a storage medium selected from the group consisting of hard disks, optical disks, magnetic disks, and magnetic tapes (Col. 5, lines 30-31).

Regarding claims 6, 14, 21, 29, 37, and 44, Mortimer discloses digital video cases that are downloaded from a server system onto the client systems so that they may be played back locally during lessons (Col. 24, lines 55-57).

Regarding claim 7, 15, 22, 30, and 45, Mortimer discloses a server system further comprising a video and index builder for building a time-coded text track, a time-coded index, and a time-coded table of contents for a time-coded digital video case. (Col. 9, lines 17-20; Col. 9, lines 19-34; Col. 18, lines 50-59).

Regarding claim 8, 23, 31, 38, and 46, Mortimer further discloses means for uploading digital video cases, time-coded text tracks, time-coded indexes, and time-coded tables of contents from the client computers to the server computer for use by an author in creating a lesson (Col. 18, lines 50-59).

**7. Claims 9, 16, 32, and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mortimer et al. (USPN 6,091,930; hereinafter Mortimer) in view of Thomas (USPN 6,086,382).**

Regarding claim 9, 16, 32, 39, Mortimer discloses lesson exercises including requests for user input in the form of questions and answers. It is not explicitly disclosed that the user's answers are time-indexed and uploaded to the server system. However, Thomas teaches an educational system comprising question/answer exercises, wherein a user's answer is time-indexed and uploaded to the server system (Col. 2, lines 7-9). At the time of the invention, it would have been obvious to a person of ordinary skill in the art to modify the question/answer exercises

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described in Mortimer, by time-indexing a user's answer, in light of the teachings of Thomas, in order to enable a user to monitor and evaluate his/her time performance while responding to questions (Col. 2, lines 9-11).

*Conclusion*

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- Pocock (USPN 6,464,505 B1) – discloses an educational system and method of supporting home schooling.

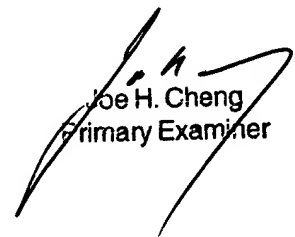
9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cameron Saadat whose telephone number is 703-305-5490. The examiner can normally be reached on M-F 8:00 - 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Valencia Martin-Wallace can be reached on 703-308-4119. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9302 for regular communications and 703-872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.

CS

CS  
July 10, 2003

 3R  
Joe H. Cheng  
Primary Examiner